S.B. Civil Transfer Petition No.12/2005
Smt. Manju Goyal
Vs
Shri Sanjay Goyal

DATE OF ORDER : - 8.8.2005

HON'BLE MR. PRAKASH TATIA,J.

Mr.AK Gupta, for the petitioner.

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Heard learned counsel for the petitioner.

Learned counsel for the petitioner submits that petitioner already filed a petition under Section 13 of the Hindu Marriage Act, which is pending in the Family Court, Jodhpur. The respondent, thereafter, filed a petition under Section 9 of the Hindu Marriage Act in the court at Ajmer just to harass the petitioner. According to learned counsel for the petitioner in view of the specific provision of Section 21A of the Hindu Marriage Act, the petition filed by the non-petitioner under Section 9 of the Hindu Marriage Act subsequent to petitioner's filing the petition under Section 13 of the Hindu Marriage Act deserves to be transferred to the Family Court, Jodhpur. It is also submitted that the petition at Ajmer has been filed by the non-petitioner just to harass the petitioner where the petitioner cannot attend the court proceedings as it is about 200 KMs away from the petitioner's place of residence.

In view of the above, the transfer petition is allowed as none appeared despite service on behalf of the respondent and in view of the specific provision under Section 21A of the Hindu Marriage Act. The petition filed under Section 9 of the Hindu Marriage Act having No.35/2005-Sanjay Goyal Vs. Smt. Manju Goyal is withdrawn from the Family Court, Ajmer and is hereby transferred to the Family Court, Jodhpur for disposal in accordance with law.

(Prakash Tatia), J.

c.p.goyal/-